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IN THE

Supreme Court of the United States

OCTOBER TERM, 1943

No. 888

GEORGE E. SULLIVAN,
Petitioner,

vs.

EUGENE MEYER,
Respondent.

REPLY BRIEF FOR PETITIONER AS TO CERTIORARI ALLOWANCE

WILLIAM J. NEALE,
GEORGE E. SULLIVAN,
Counsel for Petitioner.

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Instead of responding, seriatum or otherwise, to the accurate, fair, truthful, and orderly-arranged showing in the petition for certiorari, respondent's brief indulges in adroit evasion, confusion, distortion and subterfuges for re-defamation of petitioner.

If patriotic defenders of fundamental Americanism have no rights which their defamers are obliged to respect in or out of Court, the American people are entitled to know it through a pronouncement from the highest Court. Refusal by this Court to do anything about such a serious matter is incon-

ceivable, particularly as it is obvious that its non-action would be widely interpreted as *approval* of the perversion of FREEDOM into LICENTIOUSNESS in the domain of published expressions, at least as against defenders of fundamental Americanism—a condition wholly incompatible with the high dignity of this Court.

The subterfuges resorted to in respondent's brief to circumvent petitioner are in striking accord with the intolerant and outrageous teaching of the Pharisaic Talmud:

> "Where a suit arises between an Israelite and a heathen, if you can justify the former according to the laws of Israel, justify him and say: 'This is *our* law'; so also if you can justify him by the laws of the heathens justify him and say (to the other party): 'This is *your* law'; but *if this cannot be done, we use subterfuges to circumvent him.*" (R. 86, quoting from Baba Kamma 113a.)

The American doctrine of "Equal justice under law" must not give way to such Talmudic doctrine. If the American people were permitted to know the authentic truth about Talmudism, and the special clique of Talmudists (originally "Pharisees") behind it, dedicated to organized greed, hate and intolerance, and by no means synonymous with the Jewish people—as painstakingly revealed, from authentic sources, in petitioner's book "The Road to Victory" (pp. 4-13 of petition, with record citations and quotations)—the American people would see to it,

by effective measures, that no Talmudist—whether Jew or non-Jew—ever again obtained public office or polluted the newspaper field or any other sphere of public or quasi-public activity. The American people would then be in possession of the *full truth*, that Talmudists are really foes of both Jews and non-Jews, and are chiefly responsible for anti-Semitism, instead of the *part-truth only* fiendishly used by Hitler to stir up racial hatred for the cunning advantage of another special clique, the Nazi gangsters, who are really organized foes of both Germans and non-Germans while hypocritically claiming to be synonymous with the German people, just as the Talmudists have long screened their real nature and character by pretending to be synonymous with the Jewish people. As petitioner's book points out:

> "All super-race pretexts for world-conquest reduce the so-called super-race to quasi-enslavement in the process of effecting complete enslavement of other races." (R. 69)
>
> "No matter how much power or territory a brigandry group may acquire, it can never constitute a nation, race or religion, or rise above the status of a *criminal* sect or band." (R. 70)
>
> "A criminal system cannot create a race. Only God can create a race. The international band or gang, which these International Brigands persist in calling 'Jews,' should really be called 'Talmudists,' to avoid stigmatizing, as members of the band or gang, many persons of Jewish stock who indignantly spurn the Talmudic plot." (R. 243)

> "It should also be borne in mind that the 'Talmudists' include many persons not of Jewish stock at all, but who have become enamored of the brigandry features of Talmudism." (R. 243)

Petitioner's book demonstrates, from the tenets of the Talmud itself, that it is a criminal system, rather than a religion, (R. 82-93), and shows how the attempt in the time of the Divine Saviour to palm off on the Jewish people the "doctrine of the Pharisees"—Talmudism—as Jewish "tradition" was denounced by the Divine Saviour, who told the Pharisees:

> "You have made void the commandment of God for your tradition" (R. 96),

and warned the Jewish people:

> "Beware of the leaven (doctrine) of the Pharisees" (R. 96).

Notwithstanding the fact that petitioner's book, from beginning to end, differentiated between "Talmudists" and "Jews," and urged the rescue of Jews and non-Jews from the Talmudic yoke of enslavement, respondent's brief has the effrontery to indulge in the bare-faced prevarication that petitioner's book "tends to divide Americans," "stirs up racial hatred towards a minority," and "plays directly into the hands of an enemy whose policy is to divide and conquer" (p. 3 of respondent's brief), and to add that the book is "anti-Jewish from one end to the other" (p. 5 of respondent's brief). Respondent seeks in his brief to support such prevarication by an adroit and unscrupulous

lifting out of context of seven incomplete excerpts, and to give each of such excerpts a misapplied meaning by the use of an introductory clause devised by respondent, saying:

> "As to *the Jews* Mr. Sullivan said:" (p. 2 of respondent's brief).

The following quotation shows in ordinary type the first incomplete excerpt and in heavy type the pertinent matter which respondent omitted:

> "BUT THE EVEN MORE SERIOUS MATTER FOR CONSIDERATION IS THE FACT THAT PROMINENT JEWISH JOURNALS IN BRITAIN AND AMERICA DISPLAYED BOASTFUL AND UNRESTRAINED ENTHUSIASM IN FAVOR OF BOLSHEVISM, AND THAT BOLSHEVISM WAS EXPRESSLY CLAIMED BY AT LEAST ONE OF THEM TO BE 'CONSONANT WITH THE FINEST IDEALS OF JUDAISM.' Most people have always regarded Judaism as a religion—the original Hebrew religion dedicated to the worship of God and to obedience to God's Commandments. There has been no thought that Judaism is, or might be, a criminal substitute for religion, as it surely must be if it is consonant with Bolshevism." (R. 78-79.)

The omitted matter had to be omitted by respondent in order to carry out his purpose to deceive and circumvent, because such omitted matter would have made manifest that the book was merely dealing

factually with a strange condition calling for exploration and explanation in the interest of Jews and non-Jews. Such omitted matter would also have caused any alert person reading it to check back to earlier portions of petitioner's book, and learn: (1) the diabolical nature of Bolshevism as reported to the House of Commons by Churchill in 1919 (R. 67-68), and also as exposed in official U. S. Department of State publication of 1931 "Foreign Relations of the United States, 1918, Russia I" (R. 74), and (2) the strange lauding of Bolshevism as "consonant with the finest ideals of Judaism" in *The Jewish Chronicle* (London) of April 4, 1919 (R. 76), followed by further laudation of Bolshevism in the succeeding year (1920) by the *American Hebrew* magazine (R. 78); clearly indicating the alarming extent to which recognized Jewish sources had been penetrated by the forces behind Bolshevism.

The following quotation carries in heavy type the matter which respondent omitted from his second incomplete excerpt and in ordinary type such second incomplete excerpt:

> "WHEN JUDAISM IS PROCLAIMED BY ITS OWN LEADERS TO BE CONSONANT WITH BOLSHEVISM, AND BOLSHEVISM IS AT THE SAME TIME LAUDED BY SUCH LEADERS, IT BECOMES INCUMBENT UPON ALL FOLLOWERS OF JUDAISM, AS WELL AS ALL OTHERS, TO INVESTIGATE THE TRUTH OR FALSITY OF SUCH PROCLAMATION. IF JUDAISM IS CONSONANT WITH BOLSHEVISM, JUDAISM CANNOT BE HEBRAISM, BUT MUST

> BE A CRIMINAL SUBSTITUTE FOR HEBRAISM WHICH TAUGHT AND HONORED THE COMMANDMENTS OF GOD. A HYPOCRITICAL DISGUISE AS A 'SOCIAL SYSTEM' OR 'RELIGION' CANNOT GIVE IMMUNITY TO ANY ORGANIZED CRIMINALITY. THIS THEN BECOMES THE NEXT STEP IN OUR INVESTIGATION. Civilization cannot tolerate organized criminality or Brigandry under the name of Bolshevism, Judaism, or any other name or guise." (R. 79)

The third incomplete excerpt attempts to put into petitioner's mouth as something said against "the Jews" an authentic quotation from Arsene Darmesteter's essay "The Talmud" recently reprinted by The Jewish Publication Society of America (R. 80-81), which authentic quotation was introduced in petitioner's book (though not in respondent's brief) with the following preceding explanation:

> "IMMEDIATELY AFTER STARTING SUCH INQUIRY, WE ARE STARTLED TO LEARN, FROM AN AUTHORITATIVE ESSAY ON 'THE TALMUD' BY ARSENE DARMESTETER, WHO HAS LONG BEEN RECOGNIZED IN JEWISH CIRCLES AS AN AUTHORITY ON THE TALMUD, THE FOLLOWING DEVASTATING ADMISSION:"

Respondent's said third incomplete excerpt, which was lifted out of the context in order to attribute it to petitioner rather than to Darmesteter, was:

> "THE STUDY OF JUDAISM IS THAT OF THE TALMUD, AS THE STUDY OF THE TALMUD IS THAT OF JUDAISM. To wish to understand one without entering upon the explanation of the other is chimerical. They are two inseparable things, or better, THEY ARE ONE AND THE SAME." (R. 80)

Further quotations from Darmesteter, carried in petitioner's book but which respondent conveniently overlooked, included:

> "IN A WORD, HEBRAISM IS AT AN END, JUDAISM IS BORN. WHAT ARE THE CAUSES OF THE TRANSFORMATION? WHAT SERIES OF CIRCUMSTANCES COULD HAVE EFFECTED IT IN SO LIMITED A PERIOD AS THE CAPTIVITY? DARK QUESTIONS, THE ANSWERS TO WHICH MAY BE GUESSED AT, BUT THE ELEMENTS OF AN UNIMPEACHABLE SOLUTION ARE LACKING." (R. 80)

> "LET US NOW CAST A GLANCE BACKWARDS, AND TAKE A BIRD'S-EYE VIEW OF THIS EFFECTIVE DEVELOPMENT OF PHARISAIC FORMALISM. WE ARE AT ONCE STRUCK BY ITS SYSTEM OF OBSERVANCE HAVING RELATION TO EVERY MOMENT OF LIFE. THE BELIEVER FINDS HIMSELF ENMESHED IN A NET-WORK OF PRESCRIPTIONS, WHICH CLOSE IN UPON HIM ON ALL

SIDES, AND REDUCE HIM TO NEVER-ENDING SLAVERY — SLAVERY ACCEPTED FREELY AND WITH JOY, FOR THIS SACRED, A THOUSAND TIMES BLESSED YOKE IS THE CONDITION OF HAPPINESS." (R. 81)

Respondent also conveniently overlooked quoting the following pertinent observation of petitioner in the book relative to "never-ending slavery" being supposedly "accepted freely and with joy" as "the condition of happiness":

"IT SO CLOSELY RESEMBLES THE 'MORE ABUNDANT LIFE' DECEPTION OF THE BOLSHEVIKS AS TO SUGGEST LIKELIHOOD OR PROBABILITY THAT THE 'IDEALS' OF THE TALMUD MAY NOT DIFFER FROM THOSE OF BOLSHEVISM. IN THE SECOND PLACE, IT SHOULD MAKE US PAUSE AND HESITATE BEFORE ATTRIBUTING TO THE WHOLE JEWISH PEOPLE THE AUTHORSHIP OF THE TALMUD OR THEIR ACCEPTANCE OF ITS ENSLAVING SYSTEM 'FREELY AND WITH JOY.' IT SHOULD NOT BE DIFFICULT FOR PERSONS OF SOUND COMMON SENSE TO REALIZE THAT THE CLIQUE THAT DEVISED THE TALMUD MUST CONSTITUTE A CLOSELY-KNIT BAND FOR IMPOSING ITS RULE UPON VICTIMIZED PEOPLES, AND IS NOT SYNONYMOUS WITH ANY ENTIRE PEOPLE." (R. 82)

Respondent's next incomplete excerpt, the fourth, constitutes a further example of adroit lifting out of context, in order to depict petitioner as antagonistic to "the Jews"—in complete reversal of the truth, that petitioner was dealing with authentic matter emanating from recognized Jewish sources, namely, a late 8-volume English language edition of *The Talmud* "prepared under the editorship of Rabbi I. Epstein, of Jews College, London," and published "by the well-known Jewish publishing concern, The Soncino Press, London" with a Foreword by "Chief Rabbi Hertz" (R. 82). Respondent's incomplete excerpt leaves readers of his brief in the dark as to the real nature and authorship of the "8-volume set" supposed to contain "real and incontrovertible evidence" regarding the system of the Talmud, and respondent seeks to keep readers of his brief further in the dark by omitting the following illuminating statement in petitioner's book (which immediately followed respondent's incomplete excerpt):

> "THIS REAL EVIDENCE IS MADE UP OF THE TENETS OF THE TALMUD ITSELF, WHICH TENETS NECESSARILY SPEAK FOR THEMSELVES, AND MORE RELIABLY THAN ANY AMOUNT OF LAUDATION OF THE TALMUD BY ITS ADVOCATES." (R. 82)

Such illuminating statement had to be omitted by respondent, because its inclusion would have suggested to readers of his brief the reading of the quoted tenets of the Talmud (R. 83-92) which respondent naturally desired to skip over.

Respondent's fifth incomplete excerpt:

> "Consequently, it is not surprising to find shameless degradation of womanhood wherever the Talmudic influence has penetrated." (R. 89)

is an observation regarding authentic quotations from the Talmud carried in petitioner's book showing systematic degradation of womanhood. In order to pretend that petitioner was attacking the Jewish people, instead of dealing factually with the Talmud as the oppressive and uncivilized system which it is, respondent avoided altogether the authentic quotations in petitioner's book from the Talmud revealing a vile system positively degrading to womanhood (R. 89-91).

Respondent's sixth incomplete excerpt adroitly seeks to create the false impression that petitioner's book had assailed Hebraism, and, consequently, respondent found it necessary, in order to aid the attempted deception, to omit altogether the words—

> "AND THAT 'HEBRAISM IS AT AN END' "

appearing in the book immediately following the incomplete excerpt and constituting a necessary and integral part of that from which respondent was quoting. The deception sought by this sixth incomplete excerpt would also have fallen flat anyhow but for the artful distortions sought to be effected by the preceding incomplete excerpts in respondent's brief.

Respondent's seventh incomplete excerpt:

> "The alarming extent to which Talmudists have been assuming official positions in our Re-

> public should not be overlooked, particularly as the criminal system of Talmudism renders them patently ineligible to hold office in any civilized nation." (R. 243)

is unwarrantably treated by respondent as constituting an attack by petitioner's book upon "the Jews," notwithstanding the quoted sentence, as well as the context preceding and succeeding it, cannot possibly be given such an interpretation by any intelligent, fair and honest mind, because the book itself carefully distinguishes throughout between "Talmudists" and "Jews." Only a confirmed Talmudist, interested in maintaining the old Pharisaic ruse of using the Jewish people as a screen to protect the Talmudists (formerly Pharisees) from detection, could possibly find fault with a carefully documented legal and historical book for telling the real truth about Talmudism being by no means synonymous with the Jewish people, and about Talmudists being "patently ineligible to hold office in any civilized nation" (R. 243), which ineligibility must be obvious to every one acquainted with the nature of the Talmudic system and Disraeli's own boastful and illuminating description of the Talmudic head of his time, Lionel de Rothschild, as "a man without a country" (R. 104).

Respondent's series of subterfuges devised in support of his pretense that petitioner's book is "*anti-Jewish* from one end to the other" cannot be reconciled with any sense of fair-play, although, as already suggested, they do bear a strong resemblance to the circumventing methods brazenly taught in the Talmud itself. Moreover, respondent's exhibited

contempt for petitioner's consistent advocacy of equal rights and treatment for law-abiding Jews and non-Jews bears a striking resemblance to the contempt exhibited by the so-called American-Jewish journal *Opinion* of March, 1938, (Rabbi Stephen S. Wise, Editor) against Rabbi Lazaron who was charged by said journal with *"anti-Jewishness"* because he was said to be acting as an "apostle of Christian-Jewish good-will" (R. 129). Only a person of Talmudic intolerance and arrogance can possibly deem Christian-Jewish good-will to be *anti-Jewish.* A charge of anti-Jewishness must have better support than that in an American Court of Justice.

The demonstrated baselessness of respondent's charge of anti-Jewishness against petitioner and his book also disposes of respondent's further claim that the book was "defeatist" because "anti-Jewish."

However, respondent has also sought to base his "defeatist" charge upon a number of other pretenses claimed to be justified by nine excerpts from petitioner's book quoted on pages 3, 4 and 5 of respondent's brief.

The first three of said nine excerpts are all taken from the first chapter of petitioner's book, and each is adroitly lifted out of the context to give the false impression that petitioner's book advocated the use of less than our full might against our foes, respondent well knowing to the contrary, from the context carefully omitted by him, that the book patriotically advocated the preservation of constitutional government at all times as absolutely necessary to the securing of "the greatest might of the American Republic" (R. 62), and cited the decision of this Court

in *Ex parte Milligan*, 4 Wall. 2, in support of that view (R. 62). If respondent claims that it is *defeatist* to believe in and uphold the Constitution of the United States and to support a solemn decision of this Court also upholding the Constitution, respondent had better be extremely careful about so stigmatizing a loyal defender of the Constitution without a full and precise disclosure to his readers of the utterly unsound grounds for such stigmatization, to thereby furnish an antidote for his defamation.

The fourth of the nine excerpts (p. 4 of respondent's brief, near the top of the page) seems to be assailed by respondent upon the outrageously false assumption that some sort of sanctity attaches to the name "Roosevelt" preventing a legal and historical book from discussing and criticizing Clinton Roosevelt, Theodore Roosevelt and Franklin D. Roosevelt on the basis of authentic source material identified and quoted from in the book (R. 155-173).

The fifth of the nine excerpts cannot be understood without knowing the context. It consists of a single sentence lifted from the chapter "MENACE OF WORLD GOVERNMENT" (R. 216-226). The sentence is here reproduced in ordinary type together with the context in heavy type:

> "WHAT THE WORLD NEEDS MOST TODAY ARE FREE INDIVIDUALS AND FREE NATIONS. No nation can preserve its independence if it merges its destiny with any other nation or group of nations. A SOCIETY OF FREE NATIONS MUST ALWAYS BE READY TO TAKE *VOLUNTARY* CON-

CERTED ACTION AGAINST PIRATICAL OR BRIGANDRY GROUPS OR NATIONS, BUT NO SURRENDER OF SOVEREIGNTY IS NEEDED FOR THIS." (R. 216-217)

What kind of a mind can respondent have to seek to treat as *defeatist* a loyal American who believes, as did our Forefathers, in the importance of AMERICAN INDEPENDENCE?

The sixth of the nine excerpts is also taken from the chapter "MENACE OF WORLD GOVERNMENT." Those who would surrender AMERICAN INDEPENDENCE for WORLD GOVERNMENT, and want to take advantage of the war crisis to put it over, may want to close the mouths of the American people regarding the importance of preserving the former, and prevent criticism by the American people of leaders of Empires with which it is sought to merge our Republic's destiny, but no sound-thinking American can desire such stifling. A *defeatist* may be described as a person who would selfishly surrender our Republic or its independence, but most certainly *not* a person who is devoted to the preservation of the Republic and its independence. The sixth of the aforesaid nine excerpts discloses another rank lifting out of context, as will appear from its reproduction in ordinary type along with the omitted matter in heavy type:

> "If the British people were really free, it is inconceivable that they would tolerate Winston Churchill at the British helm. His own shamelessly expressed coldbloodedness matches that of the Talmudic program itself, IF WE CAN

JUDGE HIM BY WHAT HE HAS HIMSELF SAID IN HIS OWN BOOKS:

> 'IT OUGHT TO BE POSSIBLE TO ORGANIZE IN CANADA AN AMERICAN VOLUNTEER FORCE AMOUNTING TO AT LEAST A DIVISION, WHICH COULD GO INTO ACTION AS SUCH. NOTHING WILL BRING AMERICAN SYMPATHY ALONG WITH US SO MUCH AS AMERICAN BLOOD SHED IN THE FIELD.' (THE WORLD CRISIS (1931), BY WINSTON CHURCHILL, p. 293, RECITING WHAT HE HAD RECOMMENDED TO THE BRITISH CABINET IN AUGUST 1914.)" (R. 223.)

The seventh of the nine excerpts involves a still further rank lifting out of context. Petitioner's book at that point criticized the "Grandiose Proposals" by President Roosevelt in Message to Congress of January 6, 1942, to secure so-called four freedoms "EVERYWHERE IN THE WORLD" and to maintain the same "*not only for one generation but for all generations*" (R. 176-177). After stating the grandoise proposal (which was not then, and never has been, adopted by either Branch of Congress), petitioner's book criticized the proposal as follows:

> "Roosevelt made very plain that he and Churchill were in perfect harmony about this program. Before the program gets under way, it might be well for American men and boys to take one last look at an American fireside, for

they may never see one again. THEIR FATHERS AND MOTHERS AND THE AMERICAN MEN AND BOYS THEMSELVES MIGHT ALSO INQUIRE OF THEIR CONGRESSMEN AND SENATORS WHAT AUTHORITY THERE IS IN EITHER THE CONSTITUTION OR COMMON SENSE FOR THIS GRANDIOSE SCHEME, AND WHY PRESIDENT ROOSEVELT SHOULD BE PERMITTED TO THUS FLAUNT THE WARNING IN WASHINGTON'S FAREWELL ADDRESS:

'WHY QUIT OUR OWN TO STAND UPON FOREIGN GROUND?' " (R. 233)

Petitioner's obviously sound and loyal viewpoint about this matter, in perfect harmony with that of the Father of our Country, is further stated later on in petitioner's book as follows:

"By maintaining America's independent destiny and Constitutional American Liberty, we will set an example worthy of adoption in other parts of the world. This is the only way in which America can help to create a FREE WORLD. Neither Freedom nor Christianity can be implanted anywhere by aggression and force!" (R. 250)

The eighth of the nine excerpts has to do with another quotation from petitioner's book regarding Roosevelt's aforesaid grandiose proposal never ratified by either Branch of Congress. The excerpt as

carried in respondent's brief omits an opening sentence in the book's treatment:

> "OF COURSE, WHEN WE ARE AT WAR WITH ANOTHER NATION OR NATIONS, OPERATIONS OUTSIDE OUR OWN NATION ARE TO SOME EXTENT NECESSARY." (R. 233)

The excerpt begins:

> "But the enormity and character of the Roosevelt-Churchill proposals are truly shocking. Whatever their purposes, could any results be reasonably possible except the 'practical bankruptcy' comprehended in the Lenin-Stalin strategy? Is practical common sense, and a determination to save our Republic as one corner at least of Civilization, properly denominated 'defeatism'?" (R. 233.) (Note: The " 'practical bankruptcy' comprehended in the Lenin-Stalin strategy" refers to "Foundations of Leninism" (1934) by Stalin, page 95, explained at R. 228.)

At this point in respondent's brief, respondent inserted a foot-note saying:

> "Here Mr. Sullivan recognizes that the policy he advocates may be called defeatism." (p. 4 of respondent's brief)

Such foot-note constitutes a perfectly obvious misstatement or reversal of truth. It is perfectly plain from the quoted matter that, instead of "defeatism" being recognized as applicable to such a situation, the

appilcation of any such term to such situation was ridiculed. In the 1939 edition of Funk & Wagnalls New Standard Dictionary of the English language, "defeatism" was defined as—

> "The policy or course of action of one selfishly desiring the defeat of his country or party in politics,"—

in other words, one selfishly desiring a triumph over his own country or political party. Immediately after Pearl Harbor (December 7, 1941), propaganda began to impugn the loyalty of anyone criticizing New Deal policies "for the duration," and applying to any such criticism the stigmatizing term "defeatism" which had become well known as a term denoting disloyalty. Petitioner, as a loyal American, insisted upon his constitutional right to continue to criticize New Deal policies and misconduct without being dealt a foul blow by being defamed as a "defeatist," and, consequently, he ridiculed such outrageous characterization by asking:

> "Is practical common sense, and a determination to save our Republic as one corner at least of Civilization, properly denominated 'defeatism'?" (R. 233.)

The ninth and last of the aforesaid nine excerpts (p. 5 of respondent's brief) urges wisdom, integrity and truth, rather than rashness, subterfuge and deception, in both the winning of the war and the restoration of the Republic. Only a believer in one-man government, contradistinguished from constitutional government, can take exception to such prac-

tical and timely urging by an alert and loyal American who loves our Republic and wants (as he stated) to have it preserved without indulging in unkept promises such as Britain gave Poland, Finland and Greece.

Respondent's grand array of subterfuges to circumvent petitioner constitute an obvious aggravation, rather than justification, of respondent's wrong doing. The words "NAZI PROBE" used in the heading to respondent's libelous article (R. 5)—from which respondent seeks to divert attention by avoiding mention thereof in respondent's brief—necessarily added to and aggravated the obvious and unwarranted impugning of petitioner's loyalty through the use of the words "himself the author of a defeatist, anti-Jewish book" in article's text. (R. 5.)

Finally, the fact that petitioner's book "had been *read* to the jury" is sought to be relied upon by respondent as a reason for circumventing petitioner (pp. 5-6 of respondent's brief). It is not even suggested that the jurors were themselves permitted to *study* the book, and no one with a legal mind would expect persons with non-legal minds to be able to meet the subterfuge contentions of respondent without an opportunity to study the book as even legal minds would find to be necessary. Jurors so handicapped could not pass judgment intelligently upon the soundness or unsoundness of respondent's subterfuge contentions any more than blind jurors could intelligently pass judgment in a test of colors. The District Court and the United States Court of Appeals for the District of Columbia both had before them an unambiguously defamatory article impugning petitioner's loyalty published by respondent

without any justification whatsoever, and it was their plain duty to hold, as matter of law, that petitioner was entitled to recover against respondent at least compensatory damages in such amount as a qualified jury might find to be reasonable under the circumstances, even though punitive damages be not awarded.

Respondent must have known throughout this litigation that his published article against petitioner constituted a clear and unambiguous impugning of petitioner's loyalty, as the District Court found to be perfectly obvious (R. 45) but refused to instruct the jury. Respondent must also have known throughout this litigation that there was no basis whatever for so impugning petitioner's loyalty, for which reason respondent dared not assert in his pleadings, but disavowed, innuendos of disloyalty (R. 9), and later put his writer Stokes on the stand to testify in disavowal of any such claim (R. 26); yet respondent has had no scruple about resorting to an amazing series of subterfuges in an effort to circumvent petitioner's collecting any damages.

The length of this reply brief is necessitated by respondent's refusal to meet the accurate, fair, truthful, and orderly-arranged showing in the petition for certiorari, resorting instead to evasion, confusion, distortion and subterfuges which petitioner has been obliged to deal with.

Respectfully submitted,

WILLIAM J. NEALE,
GEORGE E. SULLIVAN,
Counsel for Petitioner.